

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

20009.0111US01

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on _____

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Application Number

09/985.867

Filed

November 6, 2001

First Named Inventor

Grason et al.

Art Unit

2151

Examiner

Tran N.V.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Jeramie J. Keys/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature

Jeramie J. Keys

Typed or printed name

☒ attorney or agent of record. 42,724
Registration number _____

678-565-4748

Telephone number

☐ attorney or agent acting under 37 CFR 1.34.

June 5, 2007

Registration number if acting under 37 CFR 1.34 _____

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Grason	Examiner:	Tran
Serial No.:	09/985,867	Group Art Unit:	2151
Filed:	Nov. 6, 2001	Docket No.:	20009.0111US01/BS01-111
Title:	SYSTEM AND METHOD FOR DISTRIBUTING NEWS ARTICLES AND OTHER INFORMATION IN AN ORGANIZATION		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In conjunction with a Notice of Appeal, reconsideration and allowance of the application is respectfully requested for at least the following reasons. The Notice of Appeal is being filed in response to a final Office Action mailed on December 5, 2006 as well as an Advisory Action mailed on April 3, 2007. The period for response has been extended by the concurrently filed Petition.

1. The combination of Parks and Dave fails to disclose the RSS file, news story data file, and rendering file as claimed such that the 103 rejection should be withdrawn

Each of the independent claims, 1, 8, 15, 22, 29, 35, and 42, of the current application include recitations to three different files. For claims 1, 8, and 42, the files include an RSS file, a news story data file, and a rendering file. For claims 15, 22, 29, and 35, the files include an RSS link data file, a view file, and a data file. The RSS file (or RSS link data file), identifies a rendering file (or view file), and this rendering or view file then specifies how to locate and render a display of the news story data file (or data file). As repeatedly argued by Applicants, Parks fails to disclose all of these files as claimed and Dave fails to do so as well such that the combination fails to meet all of the claim recitations.

The Office Action has included a citation to parser 224 and col. 19, lines 4-5 of Parks as well as figs. 2A-D, col. 6, line 57 – col. 8, line 65. The Office Action concedes that the RSS file (or RSS link data file) is missing and provides no reason why an RSS file that links to a rendering file should be included, considering that the rendering file is not the news story data file. Further, the Office Action makes no attempt to point out where each of the claim elements can be found, and in particular, makes no attempt to point out which is the rendering file (or view file), and which is the news story data file (or data file). There is also no attempt by the Office Action to point out these files in the Dave reference except a general statement that Dave uses RSS files. Applicants assert that the Office Actions that have relied on Park, alone or in combination with other references, have not meet the Examiner's burden of pointing out where the claim elements are present within the references.

Furthermore, Parks simply does not disclose these various files as recited in the claims. Parks refers to an NSML document, a news story markup language document. Parks refers to a definition type document that is used to check usage of items and identifiers within the NSML document. Furthermore, Parks refers to the display of the NSML document and the conversion of the NSML document to an HTML document. The NSML document is not an RSS file, as conceded by the Office Action, and is also not a rendering file. For purposes of this argument and without conceding this point to be true, the NSML file is at best an example of a news story data file in a markup format that is rendered on the basis of it being a markup format. Thus, Parks fails to disclose the recited files of these claims.

Dave fails to account for the deficiencies in Parks. While Dave refers to scripting to be used in place of RSS files, Dave does not disclose these files either. At best, Dave discloses that RSS files exist and are inferior to his scripting methodology. Thus, it would appear that Dave teaches away from a combination that requires an RSS file to be used. Furthermore, there has been no reasoning as to why it is reasonable for one to modify Parks to include an RSS file as claimed, i.e., that is used to render by linking to a rendering file (or viewing file) that is not the news story data file itself. However, regardless of those points, Dave fails to disclose a rendering file separate from an RSS file and a news story data file such that this deficiency of Parks is not addressed. Furthermore, regarding claims 1, 8, 22, 29, and 42, Dave further fails to disclose an RSS file that includes a directory listing or link that identifies a name of the rendering file, as opposed to the news story data file itself. Thus, Dave fails to address these deficiencies of Parks as well.

Because the combination of Parks and Dave fail to disclose all of the claim recitations for at least these several reasons, the rejections based on the combination of Parks and Dave for all claims fails as well.

2. The combination of Parks and Dave fails to disclose the most recently added recitations regarding rendering of the news story data file without being transferred to a news vendor web site

In rejecting claims 1, 8, 15, and 42, it is very telling that the final Office Action has quoted the claim language as it stood prior to the amendment that immediately preceded the final Office Action. Furthermore, there is no other point in the Office Action, including the section providing a response to Applicant's latest arguments, where the Office Action addresses the claim recitations regarding the rendering of the news story data file without being transferred to a news vendor web site as recited in claims 1, 8, 15, and 42. These recitations are discussed for the first time in the Advisory Action with reference to Dave.

First, it should be noted that the Advisory Action fails to address the stated deficiencies of Parks and concludes that the after final arguments presented by Applicants fail simply because Dave allegedly discloses rendering of the news story data file without being transferred to a news vendor web site. However, even if Dave did disclose such recitations, the fact that Parks still has other deficiencies that are not cured by Dave including those discussed above would still dictate

that the rejection based on the combination of Parks and Dave fails. Applicants therefore object to the Advisory Action's conclusion that the arguments were not persuasive based merely on the stated disclosure of Dave regarding syndication while failing to address the additional deficiencies of Parks.

Furthermore, Applicants contend that Dave fails to disclose rendering of the news story data file without being transferred to a news vendor web site. Applicants make this assertion because Dave merely refers to items of the scripting or RSS output as having a typical RSS format that includes links that contain a URL to access other pages, presumably the full news article being referenced by the RSS file. Dave does not describe that the URL is anything other than the typical news vendor web site that is the source of the news article such that clicking the link to access the URL would result in visiting the news vendor web site that is the source of the news article. To conclude otherwise requires one to consider the teachings of the present application, which is impermissible hindsight.

Thus, because Parks and Dave both fail to disclose these recitations, the combination of Parks and Dave fails to meet all of the claim recitations of claims 1, 8, 15, and 42 for at least these additional reasons.

Conclusion

Applicants assert that claims 1-2, 5-12 15-18, 22-31, 34-37, and 40-44 are in condition for allowance. Applicants request that the §103 rejections to these claims be withdrawn based on the remarks above and further request that an indication of allowable subject matter be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due beyond the fee for the Notice of Appeal and the fee for the extension of time. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: June 5, 2007

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